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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,779	02/04/2002	Thomas Odorfer	298-141	9337
7590	04/15/2004		EXAMINER	
			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 04/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <u>09/936,779</u>	Applicant(s) <u>ODORFER ET AL.</u>
	Examiner <u>Lisa Hashem</u>	Art Unit <u>2645</u>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 February 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 3/2-4-2002.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-27 are pending in this office action.

### ***Information Disclosure Statement***

2. An initialed and dated copy of the Applicant's IDS form 1449, Paper No. 3, is attached to the instant Office action.

### ***Drawings***

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 4, 2002 have been objected. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### ***Specification***

4. Examiner suggests the title 'Summary' on page 23 be changed to 'Abstract'.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Regarding claim 16 on page 20, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Claim 5 recites the limitation "the subscriber identity module (SIM)" in line 17 on page

18. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "the mobile subscriber telephone number" in line 23 on page 18. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 8 recites the limitation "the subscriber identity module" in line 2 on page 19.

There is insufficient antecedent basis for this limitation in the claim.

10. Claim 9 recites the limitation "the location radius" in line 5 on page 19. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 12 recites the limitation "the location point" in line 14 on page 19. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 13 recites the limitation "the mobile user unit which shows whether the mobile user" in line 18 on page 19. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 14 recites the limitation "the global system for mobile communications (GSM)" in lines 21-22 on page 19. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 18 recites the limitation "the absolute value of the location radius" in section 'b' on page 20. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 18 recites the limitation "the subscriber identity module" in section 'd' on page 20. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 19 recites the limitation "the mobile user unit" on lines 27-28 on page 20. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 20 recites the limitation "the first and second flag" in section 'a' on page 21. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 20 recites the limitation "the area code and the cell identity (cell-ID)" in section 'd' on page 21. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 20 recites the limitation "the subscriber identity module (SIM)" in section 'e' on page 21. There is insufficient antecedent basis for this limitation in the claim.

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20. Claim 20 recites the limitation "the location point and the location radius" in section 'h' on page 21. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 22 recites the limitation "the mobile user unit" on line 5 on page 22. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 23 recites the limitation "the new cell" on line 7 on page 22. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 25 recites the limitation "the mobile user unit" on line 14 on page 22. There is insufficient antecedent basis for this limitation in the claim.

24. Claim 26 recites the limitation "the sub-area" on lines 16-17 on page 22. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

25. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

26. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S.

Patent No. 5,568,153 by Beliveau.

Regarding claim 1, Beliveau discloses a communications system for mobile telecommunications consisting of at least one switching unit which serves a predefined total area and in which at least one subscriber area has been defined within this total area and a subscriber telephone number is inherently allocated to this subscriber area (see Abstract; see Figure 1).

Regarding claim 2, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses the communications system in which it is inherently intended to have four subscriber areas and preferably the first subscriber area is allocated to a home zone of the subscriber and the second subscriber area to a business zone of the subscriber (see Figure 1; column 3, line 62 – column 4, line 28; column 1, line 40 – column 2, line 3).

Regarding claim 3, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses several selected subscriber areas the individual areas can overlap (see Figure 1; column 3, line 62 – column 4, line 28).

Regarding claim 4, a communications system according to claim 2 mentioned above, wherein Beliveau further discloses the subscriber areas have differing priorities for usage (column 1, lines 30-46; column 3, lines 21-37).

Regarding claim 5, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses the subscriber area is inherently entered in a subscriber identity module (SIM) (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes the identification of the subscriber.

Regarding claim 6, a communications system according to a claim 1 mentioned above, wherein Beliveau further discloses the subscriber area comprises several cells and/or serves several mobile user units (see Figure 1; column 3, line 62 – column 4, line 4).

Regarding claim 7, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses a first subscriber telephone number is inherently intended for a mobile subscriber telephone number and a second intended for a telephone number inherently

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used for a fixed network, e.g. PSTN; wherein a telephone number is used for a subscriber's house (column 4, lines 20-23; column 4, lines 29-61).

Regarding claim 8, a communications system according to claim 7 mentioned above, wherein Beliveau further discloses in which at least one storage area (cache) is inherently intended for the subscriber area on a subscriber identity module (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes a memory for data.

Regarding claim 9, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses the subscriber area is defined via a location point and a location radius (column 4, lines 49-61).

Regarding claim 10, a communications system according to claim 9 mentioned above, wherein Beliveau further discloses the location radius is determined by sampling several cells in the vicinity of the location point. The length of the location radius is inherently fixed according to the strength of reception (column 6, lines 12-23).

Regarding claim 11, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses to have one or more fixed stations within the subscriber area (see Figure 3; column 6, lines 12-23)

Regarding claim 12, a communications system according to claim 11 mentioned above, wherein Beliveau further discloses a location point is coincidental with the position of the fixed station (see Figure 3; column 6, lines 12-23 and lines 29-58).

Regarding claim 13, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses in which provision is made for a display for a mobile user

unit which inherently shows whether a mobile user is located within the subscriber area; wherein the mobile unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber is located within the subscriber area (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 14, a communications system according to claim 1 mentioned above, wherein Beliveau further discloses a global system for mobile communications (GSM) is used (column 6, lines 59-61).

Regarding claim 15, a communications system according to claim 14 mentioned above, wherein Beliveau further discloses in which provision is made for a first and a second flag, whereby the first flag signals whether the mobile user unit is authorized for the subscriber area (Figure 4, 34) and a second flag signals whether an allocation has already been made for the subscriber area (Figure 4, 35; column 6, lines 29-58).

Regarding claim 16, a set of procedures for operating a communications system for mobile telecommunications, in particular using the communications system according to the claim 1 mentioned above, wherein Beliveau further discloses the system which comprises the following steps: a) providing a switching unit with a total area; b) defining at least one subscriber area within this total area; and c) allocating at least one subscriber number for the subscriber area (column 1, line 46 – column 2, line 3; column 3, line 62 – column 4, line 61).

Regarding claim 17, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses the subscriber area is defined and set by the switching unit (column 2, lines 17-18; column 4, lines 49-61).

Regarding claim 18, a set of procedures according to claim 17 mentioned above, wherein Beliveau further discloses the subscriber area is defined via: a) specifying a location point (see Figure 3; column 6, lines 12-23) b) determining an absolute value of a location radius inherently using GPS to acquire data for inherent use in a graphic information system (GIS) with a database (column 4, lines 1-11; column 5, lines 23-45; column 6, lines 39-43), including the location points and considering the fact that several cells are within the location radius: and c) inherently writing the location point and the location radius to a file of the switching unit (column 1, line 40 – column 2, line 3); and d) inherently transmitting the location point and the location radius to a subscriber identity module of the mobile user unit (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes the identification of the subscriber.

Regarding claim 19, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses the subscriber area inherently is defined via a mobile user unit (column 1, lines 57-61; column 4, lines 54-61).

Regarding claim 20, a set of procedures according to claim 19 mentioned above, wherein Beliveau further discloses the subscriber area is defined via: a) checking a first and second flag whereby the first flag signals whether a mobile user unit is authorized for the subscriber area (Figure 4, 34) and a second flag signals whether an allocation to the subscriber area has already taken place (Figure 4, 35; column 6, lines 29-58); b) inherently selecting the cells around the mobile user unit according to the strength of the signals (column 5, lines 3-13; column 6, lines 12-23); c) recording the cell currently used for transmission (column 4, lines 49-61); d) inherently determining an area code and a cell identity (cell-ID) on the basis of the recorded cell

(column 4, lines 49-61); e) transmitting the area code and the cell identity to a collecting point of the switching unit and the simultaneous storage of the address of the collecting point in a subscriber identity module (SIM) (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes a memory for data; f) determining the location point and the location radius according to a file intended for the collecting point and which contains all the cells; g) inherently producing a subscriber file within the collecting point which is inherently subject to write protection (column 1, line 40 – column 2, line 3); h) inherently transmitting a location point and a location radius to the subscriber identity module of the mobile user unit (column 4, lines 1-11; column 5, lines 23-45; column 6, lines 39-43); and i) inherently updating the location point and location radius stored in the mobile user unit (column 4, lines 49-61; column 6, lines 59-61); wherein the communications system is a GSM network and the SIM is a key element in a GSM mobile phone that includes the identification of the subscriber.

Regarding claim 21, a set of procedures according to claim 18 mentioned above, wherein Beliveau further discloses a square of the location radius is inherently transmitted to the subscriber identity module in order to calculate the location point (column 4, lines 1-11; column 5, lines 23-45; column 6, lines 12-23; column 6, lines 39-43).

Regarding claim 22, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses said procedures in which it is displayed whether a mobile user unit is located in the subscriber area; wherein the mobile unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber is located within the subscriber area (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 23, a set of procedures according to claim 22 mentioned above, wherein Beliveau further discloses the check is made whether a new cell is located within a given subscriber area (Figure 4, 34).

Regarding claim 24, a set of procedures according to claim 23 mentioned above, wherein Beliveau further discloses it is displayed which subscriber area has been activated; wherein the mobile unit is a GSM mobile phone in a GSM network wherein a display on the phone will show whether the subscriber area has been activated (column 4, lines 49-61; column 6, lines 59-61).

Regarding claim 25, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses in which arriving information is passed on if a mobile user unit is located outside the subscriber area (Figure 4: 34, 36).

Regarding claim 26, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses in which the definition of a sub-area can be made several times and/or with different cells (column 1, lines 30-46; column 4, lines 54-61).

Regarding claim 27, a set of procedures according to claim 16 mentioned above, wherein Beliveau further discloses in which two subscriber numbers are inherently allocated to one subscriber area, e.g. a Home area (column 1, line 55 – column 2, line 3; column 4, lines 1-61; see claim 7 mentioned above).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- German Patent Application No. DE 197 21 461 by Freyer discloses a communications system for mobile telecommunications, e.g. GSM, consisting of at least one switching

unit which serves a predefined total area or zone and in which at least one subscriber zone has been defined within this total zone and a subscriber telephone number is inherently allocated to this subscriber zone

28. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*LH*  
lh  
April 8, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*Jan*